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## FOREIGN RELATIONS

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## Historical Note

**References in Text.** Reorganization Plan 8 of 1953, referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

**Transfer of Functions.** All functions vested in the Director of the United States Information Agency under section 2(a)(1) of Reorg. Plan No. 8 of 1953, set out in the Appendix to Title 5, Government Organization and Employees, including the authority of the Secretary of State under section 1401 of this title to provide for the dissemination of information abroad, were transferred to the Director of the International Communication Agency by section 7(a)(9) of Reorg. Plan No. 2 of 1977, set out in the

Appendix to Title 5, effective on or before July 1, 1978, at such time as specified by the President. The Director of the International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to make provision from time to time for the performance of any such transferred function by any officer, employee, or unit of the International Communication Agency. Accordingly, "International Communication Agency" was substituted for "United States Information Agency" in subsec. (b) of this section.

**Legislative History.** For legislative history and purpose of Pub.L. 87-297, see 1961 U.S. Code Cong. and Adm. News, p. 2903.

## Library References

International Law § 210.

C.J.S. International Law § 18.

## § 2575. Coordination of Government agencies and resolution of policy differences

The President is authorized to establish procedures to (1) assure cooperation, consultation, and a continuing exchange of information between the Agency and the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration and other affected Government agencies, in all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans, and programs, (2) resolve differences of opinion between the Director and such other agencies which cannot be resolved through consultation, and (3) provide for presentation to the President of recommendations of the Director with respect to such differences, when such differences involve major matters of policy and cannot be resolved through consultation.

Pub.L. 87-297, Title III, § 35, Sept. 26, 1961, 75 Stat. 635.

## Historical Note

**Abolition of Atomic Energy Commission.** The Atomic Energy Commission was abolished and all functions were transferred to the Administrator of the Energy Research and Development Administration (unless otherwise specifically provided) by section 5914 of Title 42, The Public Health and Welfare. The Energy Research and Development Administration was terminated and func-

tions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42.

**Legislative History.** For legislative history and purpose of Pub.L. 87-297, see 1961 U.S. Code Cong. and Adm. News, p. 2903.

## EXECUTIVE ORDER

Aug. 20, 1962

## INTERAGENCY

WHEREAS there has been established by law the United States Arms Control and Disarmament Agency; and

WHEREAS the Arms Control and Disarmament Act [this chapter] provides that the Director of that Agency shall be the principal adviser to the Secretary of State and the President on Arms control and disarmament matters and requires the Director to assume primary responsibility within the Government for such matters under the direction of the Secretary of State; and

WHEREAS the Act [this chapter] authorizes and directs the said Director to coordinate significant aspects of the United States arms control and disarmament policy and related matters; and

WHEREAS it is desirable that the President establish procedures for coordination, and for the resolution of differences of opinion between the United States Arms Control and Disarmament Agency and other affected Government agencies, concerning all significant aspects of arms control and disarmament policy and related matters:

NOW, THEREFORE, by virtue of the authority vested in me by the Arms Control and Disarmament Act (75 Stat. 631, 20 U.S.C. 1501 et seq.) [now classified to this chapter], and as President of the United States, it is hereby ordered as follows:

Section 1. Definitions. As used, hereinafter:

(a) The word "Director" means the Director of the United States Arms Control and Disarmament Agency.

(b) The term "affected agencies" shall include the Department of Defense, the Atomic Energy Commission [see Abolition of Atomic Energy Commission note above], the Central Intelligence Agency, the National Aeronautics and Space Administration, and, when not inappropriate in the context, the United States Arms Control and Disarmament Agency, and shall include also such other agencies as the Director may designate hereunder.

(c) The terms "arms control" and "disarmament" shall be defined as they are defined in section 3(a) of the Arms Control and Disarmament Act [section 2575(a) of this title].

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Pub.L. 87-297, Title III, § 36, as added Pub.L. 94-141, Title I, § 146, Nov. 29, 1975, 89 Stat. 758, and amended Pub.L. 95-338, § 1, Aug. 8, 1978, 92 Stat. 458; H.Res. 89, Feb. 5, 1979.

**Historical Note**

1979 Amendment. Subsec. (a)(3). Pub. L. 95-338, § 1(1), substituted "technology with potential military application or weapons systems" for "weapons systems or technology".

Subsec. (b)(2). Pub.L. 95-338, § 1(2), added provisions requiring requests to be transmitted either as an individual program or as an aggregation of related programs, and classification requirements for transmitted statements.

**Change of Name.** The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, effective Feb. 5, 1979, by House Resolution 89, 96th Congress.

**Legislative History.** For legislative history and purpose of Pub.L. 94-141, see 1975 U.S. Code Cong. and Adm. News, p. 1382. See, also, Pub.L. 95-338, 1978 U.S. Code Cong. and Adm. News, p. 1209.

**§ 2577. Verification of Arms Control Agreements****Report to Congress**

(a) It is the sense of the Congress that adequate verification of compliance should be an indispensable part of any international arms control agreement. In recognition of such policy and in order to assure that arms control proposals made or accepted by the United States can be adequately verified, the Director shall report to the Congress, on a timely basis, or upon a request by an appropriate committee of the Congress—

(1) in the case of each element of any significant arms control proposal made to a foreign country by the United States, or made to the United States by a foreign country, the determination of the Director as to the degree to which such element can be verified by existing national technical means;

(2) in the case of any arms control agreement or treaty that has entered into force, any significant degradation or alteration in the capacity of the United States to verify the various components of such agreement or treaty;

(3) the number of professional personnel assigned to arms control verification on a full-time basis by each Government agency; and

(4) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control verification.

**Assumptions as to impeding of verification.**

(b) For purposes of paragraphs (1) and (2) of subsection (a) of this section, the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

**Ch. 35 ARMS CONTROL AND DISARMA****Disclosure of sensitive information**

(c) Except as otherwise provided by law, shall be construed as requiring the disclosure relating to intelligence sources or methods in the verification of compliance with arms control agreements. Pub.L. 87-297, Title III, § 37, as added Pub. L. 97-71, 91 Stat. 871.

**Historical Note**

**Legislative History.** For legislative history and purpose of Pub.L. 95-108, see 1977 U.S. Code Cong. and Adm. News, p. 1684.

**SUBCHAPTER IV—ADDITIONAL GENERAL**

**§ 2581. General authority of Director.** In the performance of his functions, the Director—

**Utilization of other Federal agencies; general transfer of supplies, equipment and services.**

(a) utilize or employ the services, facilities of any other Government agency, or the agency concerned, to perform such functions as the Agency as may appear desirable. The Director may rely upon the general administrative services in the Department to the extent agreed upon between the Director and any other Government agency. Any Government agency is authorized, in accordance with any other provision of law, to transfer to the Director, without reimbursement, other than administrative supplies or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended;

**Employment of personnel**

(b) appoint officers and employees, of the Agency in accordance with the provisions of law relating to the competitive selection and appointment in the competitive service in accordance with chapter 53 of title 5 of such title, relating to compensation, except that during the period beginning on August 17, 1977, the Director may, in his discretion, deem necessary to the discharge of his duties, to fix the compensation of officers and employees of the Agency.

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as added Pub.L. 94-141, Title I, § 1, and amended Pub.L. 95-338, § 1, Aug. 17, 1977, 91 Stat. 871.

## Historical Note

Change of Name. The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, effective Feb. 5, 1979, by House Resolution 89, 96th Congress.

Legislative History. For legislative history and purpose of Pub.L. 94-141, see 1975 U.S. Code Cong. and Adm. News, p. 1352. See, also, Pub.L. 95-338, 1978 U.S. Code Cong. and Adm. News, p. 1269.

## of Arms Control Agreements

## Report to Congress

Congress that adequate verification of such policy and in order to proposals made or accepted by the United States, the Director shall report to the Congress upon a request by an appropriate committee.

element of any significant arms control agreement or treaty that a foreign country, the determination to the degree to which such element can be used for international technical means;

any arms control agreement or treaty that a foreign country, the determination to the degree to which such element can be used for international technical means;

professional personnel assigned to arms control on a full-time basis by each Government.

percentage of research funds expended for the purpose of analyzing issues relating to arms control.

## to impeding of verification

paragraphs (1) and (2) of subsection (a) of this section shall assume that all measures of concealment could be employed and that standard shall be used to impede verification.

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## Disclosure of sensitive information

(c) Except as otherwise provided by law, nothing in this section shall be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control agreements.

Pub.L. 87-297, Title III, § 37, as added Pub.L. 95-108, § 4, Aug. 17, 1977, 91 Stat. 871.

## Historical Note

Legislative History. For legislative history and purpose of Pub.L. 95-108, see 1977 U.S. Code Cong. and Adm. News, p. 1684.

## SUBCHAPTER IV—ADDITIONAL GENERAL PROVISIONS

## § 2531. General authority of Director

In the performance of his functions, the Director is authorized to—

## Utilization of other Federal agencies; general administrative services; transfers of supplies, equipment and surplus property

(a) utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the agency concerned, to perform such functions on behalf of the Agency as may appear desirable. It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Director, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended;

## Employment of personnel

(b) appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of Title 5 governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that during the 2-year period beginning on August 17, 1977, the Director may, to the extent he deems necessary to the discharge of his responsibilities, appoint and fix the compensation of officers and employees for the Agency.

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## Ch. 35 ARMS CONTROL AND DISARMAMENT 22 § 2575

## EXECUTIVE ORDER NO. 11911

Aug. 20, 1962, 27 F.R. 8311

## INTERAGENCY COORDINATION

WHEREAS there has been established by law the United States Arms Control and Disarmament Agency; and

WHEREAS the Arms Control and Disarmament Act [this chapter] provides that the Director of that Agency shall be the principal adviser to the Secretary of State and the President on arms control and disarmament matters and requires the Director to assume primary responsibility within the Government for such matters under the direction of the Secretary of State; and

WHEREAS the Act [this chapter] authorizes and directs the said Director to coordinate significant aspects of the United States arms control and disarmament policy and related matters; and

WHEREAS it is desirable that the President establish procedures for coordination, and for the resolution of differences of opinion between the United States Arms Control and Disarmament Agency and other affected Government agencies, concerning all significant aspects of arms control and disarmament policy and related matters:

NOW, THEREFORE, by virtue of the authority vested in me by the Arms Control and Disarmament Act (75 Stat. 631; 50 U.S.C. 1501 et seq.) [now classified to this chapter], and as President of the United States, it is hereby ordered as follows:

Section 1. Definitions. As used hereinafter:

(a) The word "Director" means the Director of the United States Arms Control and Disarmament Agency.

(b) The term "affected agencies" shall include the Department of Defense, the Atomic Energy Commission [see Abolition of Atomic Energy Commission note above], the Central Intelligence Agency, the National Aeronautics and Space Administration, and, when not inappropriate in the context, the United States Arms Control and Disarmament Agency, and shall include also such other agencies as the Director may designate hereunder.

(c) The terms "arms control" and "disarmament" shall be defined as they are defined in section 3(a) of the Arms Control and Disarmament Act [section 2552 (a) of this title].

(d) The term "related matters" shall include those matters which are necessary to, desirable for, or otherwise directly connected with the functions described in sections 3 and 4 of this order.

Sec. 2. Cooperation. The Director and the heads of affected agencies shall keep each other fully and currently informed on all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans and programs. Differences of opinion concerning arms control and disarmament policy and related matters arising between the United States Arms Control and Disarmament Agency and other affected agencies with respect to such subjects which involve major matters of policy and cannot be resolved through consultation shall be promptly referred to the President for decision. In such instances the head of an agency presenting recommendations with respect to such differences to the President shall give the heads of affected agencies notice of the occasion for and substance of his recommendations.

Sec. 3. Policy coordination. (a) The Director shall establish procedures consistent with this order and the Arms Control and Disarmament Act [this chapter] to assure coordination of:

(1) his recommendations to the Secretary of State and the President and to the heads of affected agencies relating to United States arms control and disarmament policy;

(2) Government planning for the conduct and support of research for arms control and disarmament policy formulation, including the comprehensive and balanced plan provided for in Section 4 of this order;

(3) Government planning for the dissemination of public information concerning arms control and disarmament;

(4) the preparation for and management of United States participation in international negotiations in the arms control and disarmament field; and

(5) the preparation for, operation of or, as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

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(b) The Director shall exercise leadership in assuring that differences of opinion concerning arms control and disarmament policy and related matters are resolved expeditiously and shall take such steps as may be appropriate in order to produce common or harmonious action among the agencies concerned.

Sec. 4. **Research.** With the advice and assistance of affected agencies, the Director shall develop and keep current a comprehensive and balanced program of research, development and other studies needed to be conducted by or for the Government for arms control and disarmament policy formulation. The Director shall maintain a continuing inventory of Federal activities related to the planned program and advise the affected agencies as to their respective participations in the planned program in

order to produce harmonious action and prevent duplication of effort. The Director shall periodically submit to the Director of the Bureau of the Budget [now Director of the Office of Management and Budget] a consolidated schedule of such activities with assessments of their respective programs by the responsible agencies, together with his evaluations regarding these activities.

Sec. 5. **Force and armament levels.** The Secretary of Defense shall keep the Director informed with respect to the planning of armed forces levels and armaments and, for consideration in connection with such planning, the Director shall furnish the Secretary of Defense statements of existing and projected arms control and disarmament policies.

JOHN F. KENNEDY

## Library References

United States 28.

C.J.S. United States §§ 29, 30.

## § 2576. Arms control impact information and analysis

Access by Director to detailed information of Government agencies preparing legislative or budgetary proposals; nature of proposals; applicable procedures

(a) In order to assist the Director in the performance of his duties with respect to arms control and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

(1) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons,

(2) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

(A) an estimated total program cost in excess of \$250,000,000, or

(B) an estimated annual program cost in excess of \$50,000,000, or

(3) any other program involving technology with potential military application or weapons systems which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations.

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shall, on a continuing basis, provide the access to detailed information, in accordance with the procedures established pursuant to section 2575 of this title, the nature, scope, and purpose of such program.

Program assessment, analysis and recommendations. Security Council, Office of Management and Budget; requests for authorization or appropriation requested by select Congressional committees.

(b)(1) The Director, as he deems appropriate, shall analyze each program described in subsection (a) with respect to its impact on arms control negotiations, and shall advise and recommend on the basis of such assessment and analysis, the Secretary of Defense, the Office of Management and Budget, and the Committee on Foreign Relations, the Committee on Atomic Energy, the Committee on Governmental Organization, and the Committee on the Judiciary, proposing such program.

(2) No request to the Congress for authorization or appropriation for—

(A) any program described in subsection (a), or

(B) any program described in subsection (a) and found by the National Security Council, the advice and recommendations of the Secretary of Defense, the Office of Management and Budget, and the Committee on Foreign Relations, the Committee on Atomic Energy, the Committee on Governmental Organization, and the Committee on the Judiciary, have a significant impact on arms control negotiations,

shall be transmitted without a complete impact of such program, either as an indication of related programs, on arms control negotiations. Any such statement shall be accompanied by an unclassified summary of such program.

(3) Upon the request of the Committee on Foreign Relations of the Senate or the House of Representatives, the Committee on Atomic Energy of the Senate or the House of Representatives, the Committee on Governmental Organization of the Senate or the House of Representatives, the Committee on the Judiciary of the Senate or the House of Representatives, the Director shall, at the request of the State, advise such committee on the implications of any program with respect to arms control negotiations which has been submitted to the Congress pursuant to subsection (a).

Prohibition of courts to compel statutory performance of Government agencies.

(c) No court shall have any jurisdiction to require the performance of any requirement of this section, or to declare the inadequacy of the performance of any such requirement by any Government agency (including the Department of Defense).

T. 22 U.S.C.A. §§ 2501-End-4

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